

HOUSE No. 4367

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

Mr. Dempsey of Haverhill moves to amend the amendment by striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. To provide for supplementing certain items in the general appropriation act and
2 other appropriation acts for fiscal year 2012, the sums set forth in section 2 are hereby
3 appropriated from the General Fund unless specifically designated otherwise in this act or in
4 those appropriation acts, for the several purposes and subject to the conditions specified in this
5 act or in those appropriation acts, and subject to the laws regulating the disbursement of public
6 funds for the fiscal year ending June 30, 2012. These sums shall be in addition to any amounts
7 previously appropriated and made available for the purposes of those items.

8 SECTION 2.

9 DISTRICT ATTORNEYS

10 *Worcester District Attorney*

11 0340-0400 \$319,972

12 *Berkshire District Attorney*

14 TRANSPORTATION

16	1595-6368	\$100,000
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17 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

18 *Office of the Secretary of Administration and Finance*

19	1599-0026	\$50,000
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20	1599-2013	\$1,100,000
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21 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

22 *Department of Conservation and Recreation*

23	2800-0700..	\$1,100,000
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24 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

25 *Office of the Secretary of Health and Human Services*

26	4000-0700	\$11,042,350
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27 OFFICE OF DISABILITIES AND COMMUNITY SERVICE

28 *Massachusetts Commission for the Blind*

29	4110-3010	\$300,000
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30 OFFICE OF CHILDREN, YOUTH AND FAMILY SERVICES

31 *Department of Public Health*

32 4590-0250 \$200,000

33 *Department of Children and Families*

34 4800-0041 \$1,400,000

35 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

36 *Department of Housing and Community Development*

37 7004-0099..... \$20,000

38

39 EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY

40 *Military Division*

41 8700-0001 \$300,000

42 *Essex Sheriff's Office*

43 8910-0619 \$375,000

44 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
45 provide for an alteration of purpose for current appropriations, and to meet certain requirements
46 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
47 specifically designated otherwise in this section, for the several purposes and subject to the

conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2012. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary of Administration and Finance

1599-4420.. For a reserve to meet the fiscal year 2012 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Board of Higher Education and the Massachusetts Teachers Association/National Education Association Associated Professional Administrators (Unit APA) \$451,853

1599-6263.. For a reserve for the purposes of eradication and control of mosquitoes to prevent the spread of eastern equine encephalitis; provided, that the secretary of administration and finance shall report on the expenditures from this account including, but not limited to, the amount spent from this account during the fiscal year, the communities where spraying occurred and the amount spent per community.....\$2,000,000

1599-1366.. For services and costs associated with the repairs of Mill Pond Dam in Rockport associated with damage sustained through federally declared storm 1642.....\$350,000

68 1599-1710.. For a reserve for the state share of costs to certain municipalities relating to the
69 October 2011 snowstorm; provided, that the comptroller shall transfer funds made available in
70 this item to municipalities for this purpose upon the written request of the secretary of
71 administration and finance\$8,422,689

72

73 1599-1711.. For a reserve for the state share of costs to certain municipalities relating to Tropical
74 Storm Irene in August 2011; provided, that the comptroller shall transfer funds made available in
75 this item to municipalities for this purpose upon the written request of the secretary of
76 administration and finance\$7,088,256

77

78 1599-4380..For a reserve to support information technology requirements and improve
79 information technology infrastructure at state agencies and departments; provided, that the
80 secretary of administration and finance, in consultation with the chief information officer of the
81 commonwealth, may transfer amounts from this account to items 1100-1700, 2000-1700, 4000-
82 1700, and 8000-1700.....\$10,000,000

83

84 7002-0035 For a reserve to support the commonwealth's defense sector
85 initiatives.....350,000

86

87 EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY

88

Department of Public Safety

89 8315-1023.. The department of public safety may expend an amount not to exceed \$250,000 for
90 the purposes of addressing compliance with sections 53 and 84 of chapter 146 of the General
91 Laws, especially compliance with hoisting, pipefitting, refrigeration, and sprinkler fitter laws;
92 provided, that funds shall be expensed solely for hiring additional engineering inspector or
93 engineers pursuant to this item; and provided further, the department of public safety shall grant
94 or deny permit applications and authorize related inspections related to permit requests to
95 perform pipefitting in buildings owned, used, or leased by the commonwealth pursuant to section
96 21 of chapter 142 of the General Laws.....\$250,000

97

98 SECTION 2C.I. For the purpose of making available in fiscal year 2013 balances of
99 appropriations which otherwise would revert on June 30, 2012, the unexpended balances of the
100 maintenance appropriations listed below, not to exceed the amount specified below for each
101 item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the
102 corresponding item in section 2 of the general appropriation act for fiscal year 2012. However,
103 for items which do not appear in section 2 of the general appropriation act, the amounts in this
104 section are re-appropriated for the purposes of and subject to the conditions stated for the
105 corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this
106 section are re-appropriated from the fund or funds designated for the corresponding item in
107 section 2 of the general appropriation act; provided, however, that for items which do not appear
108 in section 2 of the general appropriation act, the amounts in this section are re-appropriated from
109 the fund or funds designated for the corresponding item in section 2 or 2A of this act or in prior

110 appropriation acts. The sums re-appropriated in this section shall be in addition to any amounts
111 available for said purposes.

112 JUDICIARY

113 *Committee for Public Counsel Services*

114 0321-1500 \$5,000,000

115 district attorneys

116 *Worcester District Attorney*

117 0340-0400 \$319,972

118 *Berkshire District Attorney*

119 0340-1100 \$96,895

120 Treasurer and reciever general

121 *Office of the Treasurer and Receiver General*

122 0612-0105 \$200,000

123 STATE AUDITOR

124 *Office of the State Auditor*

125 0710-0000 \$568,639

126 INSPECTOR GENERAL

127 *Office of the Inspector General*

128	0910-0200	\$625,000
129	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	
130	<i>Office of the Secretary of Administration and Finance</i>	
131	1100-1560	\$440,692
132	1106-0064	\$100,000
133	1599-0024	\$110,000
134	1599-0026	\$50,000
135	1599-1366...	\$350,000
136	1599-1710	\$8,422,689
137	1599-1711	\$7,088,256
138	1599-2004	\$1,654,509
139	1599-4380.....	\$10,000,000
140	1599-4420.....	\$451,853
141	1599-	
142	6263.....	\$2,000,000
143	Transportation	
144	<i>Department of Transportation</i>	
145	1595-6368	\$100,000

146 EXECUTIVE OFFICE of energy and environmenal Affairs

147 *Department of Conservation and Recreation*

148 2800-0700.. \$1,100,000

149 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

150 *Office of the Secretary of Health and Human Services*

151 4000-0114 \$1,000,000

152 4000-0300 \$920,000

153 4000-0700 \$11,042,350

154 office of disabilities and community service

155 *Massachusetts Commission for the Blind*

156 4110-3010 \$300,000

157 office of children, youth and family services

158 *Department of Public Health*

159 4590-0250 \$200,000

160 *Department of Children and Families*

161 4800-0041 \$1,400,000

162

163 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

164 *Department of Housing and Community Development*

165 7002-0035 \$350,000

166

167 7004-0099 \$20,000

168

169 *Division of Professional Licensure*

170 7006-0151 \$376,604

171 EXECUTIVE OFFICE of public safety and homeland security

172 *Department of Public Safety*

173 8315-1023 \$250,000

174 *Military Division*

175 8700-0001 \$400,000

176 *Middlesex Sheriff's Office*

177 8910-0107 \$1,500,000

178 *Essex Sheriff's Office*

179 8910-0619 \$375,000

180 *Parole Board*

181 8950-0001 \$150,000

182

183 SECTION 3. Clause (1) of subsection (c) of section 98 of chapter 6 of the General Laws, as
184 appearing in section 17 of chapter 165 of the acts of 2012, is hereby amended by adding the
185 following words:- , but any such regulations or guidelines shall not apply to the commonwealth.

186 SECTION 4. Chapter 6A of the General Laws is hereby amended by inserting after section 16G
187 the following section:-

188 Section 16H. (a) There shall be a Housing and Economic Development Trust to be administered
189 by the secretary of housing and economic development. Monies in the trust shall be deposited
190 with the state treasurer in a manner that will secure the highest interest rate available consistent
191 with the safety of the trust and with the requirement that all amounts on deposit be available for
192 immediate use.

193 (b) The secretary shall appoint the fund's trustee, who shall serve until a successor is appointed.

194 (c) There shall be credited to the trust:

195 (1) grants, bequests, gifts or contributions of cash or securities, or contributions of services or
196 property in kind from any persons or other governmental, nongovernmental, quasi-governmental
197 or local governmental entities made for the purpose of supporting the executive office of housing
198 and economic development as set forth in subsection (d); and

199 (2) all interest earned on monies in the trust.

(d) Expenditures from the trust shall not be subject to appropriation and balances remaining at the end of a fiscal year shall not revert to the General Fund. Expenditures from the trust shall be made only for the following purposes:

(1) operating costs of the executive office of housing and community development, including the divisions and programs within the executive office;

(2) operating costs of the Massachusetts marketing partnership and the offices within the partnership, including the Massachusetts international trade office, the commonwealth marketing office, the office of travel and tourism, the Massachusetts film office and the Massachusetts sports partnership; and the Massachusetts office of business development, including the divisions and programs within that office; and

(3) costs associated with housing and economic development programs, grants and initiatives of the secretary.

(e) Funds deposited and expended from the trust shall not be assessed any indirect costs.

(f) For the purpose of accommodating timing discrepancies between the trust's receipt of revenues and related expenditures, the trust may incur expenses and the comptroller may certify payments from the trust in anticipation of trust receipts based on estimated receipts as certified by the trustee. The trustee shall insure that no expenditures from the trust shall cause the trust to be in deficiency at the close of a fiscal year.

SECTION 4A. Section 16H of chapter 6A of the General Laws is hereby repealed.

SECTION 5. Section 5I of chapter 18 of the General laws, as amended by chapter 161 of the acts of 2012, is hereby further amended by adding the following subsection:-

(d) the department shall submit semi-annual reports detailing enforcement and violations of the section. The report shall include, but not necessarily be limited to, the number of alleged violations reported, the number of alleged violations investigated, the number of violations found, the amount received for reimbursements for purchases made in violation of this section, the number of 2 month disqualifications, the number of permanent disqualification notices, hearings, and permanent disqualifications, and further specify actions taken to improve the implementation of this section and limit the number of eligible recipients who knowingly make a prohibited purchase in violation of this section. The reports shall be filed with the clerks of the house of representatives and the senate, with the first report to be filed not later than March 15, 2013.

SECTION 6. Chapter 20 of the General Laws is hereby amended by adding the following section:-

Section 32. There shall be established and set upon the books of the commonwealth an Agricultural Inspection and Infrastructure Trust Fund, consisting of: (i) fee revenues from apiary inspections under sections 32 and 35 of chapter 128, poultry inspections under section 124 of chapter 94, registration of animal rescue and shelter operations under section 39A of chapter 129 and registration of pesticide companies; (ii) interest or investment earnings on such monies; and (iii) all other monies credited or transferred to the fund by law.

The commissioner shall be the trustee of the fund and may expend monies in the fund without further appropriation for programs and costs related to the following: (1) sections 32 to 38, inclusive, and sections 64 and 65 inclusive of chapter 128; (2) the integrated pest management program established in chapter 132B and in chapter 85 of the acts of 2000; (3) spay and neuter

programs and animal rescue and shelter programs established under section 139A of chapter 140;
(4) poultry testing programs established in 330 CMR 5.00 seq; and (5) the Agricultural
Innovation Center.

Any unexpended balance in the fund at the end of the fiscal year, not to exceed \$200,000, shall
not revert to the General Fund but shall remain available for expenditure in subsequent fiscal
years. No expenditure made from the fund shall cause the fund to become deficient at any point
during a fiscal year.

SECTION 7. Section 2O of chapter 29 of the General Laws, as appearing in section 112 of
chapter 165 of the acts of 2012, is hereby amended by striking out the second paragraph and
inserting in place thereof the following paragraph:-

The provisions of this section relating to bonds shall also be applicable to the issuance of notes
insofar as such provisions may be appropriate for such notes.

SECTION 8. The first paragraph of section 5G of said chapter 29, as so appearing, is hereby
amended by striking out the second sentence and inserting in place thereof the following 2
sentences:- If the department of revenue certifies that the amount of tax revenues estimated to
have been collected from capital gains income exceeds \$1,000,000,000 in a fiscal year, the
comptroller shall transfer quarterly any such amount that exceeds \$1,000,000,000 collected
during that fiscal year to the Commonwealth Stabilization Fund established in section 2H. The
\$1,000,000,000 threshold established in the preceding sentence shall be adjusted annually to
reflect the average annual rate of growth in United States gross domestic product over the
preceding 5 years based on the most recently available data published by the Bureau of
Economic Analysis in the United States Department of Commerce.”;

265

266 SECTION 9. Said section 12A of said chapter 29, as so appearing, is hereby further amended by
267 striking out the third paragraph and inserting in place thereof the following paragraph:-

268 In order to make timely state supplementary payments, the comptroller may present in the
269 comptroller's certificate to the governor's council, and the state treasurer, with the consent of the
270 council, may transfer to the United States Treasury or the entity administering the program of
271 state supplementary payments, before July 1, funds necessary to make July payments to
272 commonwealth benefit recipients.

273

274 SECTION 10. The second paragraph of section 60A of said chapter 29, as so appearing, is
275 hereby amended by striking out the third sentence and inserting in place thereof the following
276 sentence:- For each subsequent fiscal year, the limit shall be the product of the limit established
277 for the previous fiscal year and 1.05.

278

279 SECTION 11. The third paragraph of section 36 of chapter 62C of the General Laws, as
280 amended by section 67 of chapter 68 of the acts of 2011, is hereby further amended by inserting
281 after the fifth sentence the following sentence:- Notwithstanding the preceding sentence and any
282 contrary provision of section 27, where the commissioner and the taxpayer have agreed to extend
283 the period for assessment of a tax pursuant to section 27, the amount of any refund or credit,
284 whether determined by the commissioner to be an overpayment pursuant to section 27 or claimed
285 by the taxpayer pursuant to a timely filed application for abatement, shall not exceed the amount

of the tax paid after the execution of the agreement and before the expiration of the agreed extension period or periods plus the amount of the tax paid which would otherwise be eligible for refund under this section if an application for abatement had been filed on the date the agreement was first executed.

SECTION 12. The third paragraph of section 2 of chapter 111N of the General Laws is hereby amended by striking out clause (5), as amended by section 111 of said chapter 139 of the acts of 2012, and inserting in place thereof the following clause:-

(5) payment for reasonable expenses necessary for technical training on the use of a medical device.

SECTION 13. Section 81 of chapter 146 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the definition of ‘Pipefitting’ and inserting in place thereof the following definition:-

“Pipefitting”, the installation, repair, replacement, maintenance or alteration of any apparatus for piping appliances, devices or accessories for heating systems having a rating greater than 700,000 British Thermal Units, including apparatus and piping for the general use of conveyance of steam and associated pumping equipment, vacuum and pneumatic systems, oil and petroleum products, ice making machinery, air conditioning equipment, piping systems used for the conveyance and storage of Category M liquids, as defined in ASME B31.3 Process Piping manual and high pressure systems over 150 pound-force per square inch gauge or hazardous industrial type gases used in processes, biopharma or semi-conductor manufacturing, but excluding sheet metal work, refrigeration systems, boilers and plumbing as defined under the

307 rules and regulations of the board of state examiners of plumbers promulgated under sections 4
308 and 13 of chapter 142.

309 SECTION 14. Section 89 of said chapter 146, as so appearing, is hereby amended by adding the
310 following 2 paragraphs:-

311 Whoever prevents, or attempts to prevent, an inspector from entering any premises in the
312 discharge of the inspector's duty shall be punished by a fine of not less than \$250 and not more
313 than \$3,000, or by imprisonment for not more than 3 months, or both such fine and
314 imprisonment.

315 Any person who permits an unlicensed person to engage in pipefitting, as defined in section 81,
316 shall be punished by a fine of not less than \$1,000 and not more than \$3,000, or by imprisonment
317 for not more than 3 months, or both such fine and imprisonment.

318 SECTION 15. The last paragraph of section 22 of [chapter 61 of the acts of 2009](#) is hereby
319 amended by striking out the words 'April 30, 2012', inserted by section 22 of chapter 36 of the
320 acts of 2012, and inserting in place thereof the following words:- October 31, 2012.

321 SECTION 16. Item 1599-1705 of section 2A of chapter 52 of the acts of 2011 is hereby amended
322 by inserting at the end thereof the following words:- ; and provided further, that funds made
323 available in this item shall not revert but shall be made available for expenditure until June 30,
324 2013.

325 SECTION 17. Item 0699-0015 of section 2 of chapter 68 of the acts of 2011 is hereby amended
326 by striking out the words "from this item to items 0699-9100, 0699-2004, and 0699-0016" and

327 inserting in place thereof the following words:- from this item to items 0699-9100, 0699-2004,
328 0699-0016 and 0699-9101

329 SECTION 18. Said section 2 of said chapter 68 is hereby further amended by striking out item
330 number “7003-0702” and inserting in place thereof the following item number:- 7003- 1206.

331

332 SECTION 19. Item 1750-0601 of section 2B of said chapter 68 is hereby amended by adding
333 the following words:- ; provided, that any unexpended funds in this item shall not revert and
334 shall be made available for expenditure until June 30, 2013.

335 SECTION 20. Item 1790-0200 of said section 2B of said chapter 68 is hereby amended by
336 striking out the words “in an amount not to exceed 5 per cent of the amount authorized”.

337 SECTION 21. Subsection (a) of chapter 87 of the acts of 2011 is hereby amended by striking
338 out the second paragraph and inserting in place thereof the following paragraph:-

339 The department of public health, in consultation with the executive office of health and
340 human services, shall adopt regulations for the statewide licensure of adult day health programs.

341 SECTION 22. Section 87 of chapter 142 of the acts of 2011 is hereby amended by striking out
342 the third and fourth sentences and inserting in place thereof the following two sentences:- Funds
343 made available for this fund shall be used only for offsetting the incremental General Fund costs
344 from the increased amount of the state low income housing tax credit under sections 11, 12, 15
345 and 16 of this act. By June 30 of each fiscal year during which this fund is effective, the
346 commissioner shall determine these projected incremental costs within the fiscal year and request
347 that the comptroller transfer funding from the fund to the General Fund in an amount not to

exceed the projected costs, but no such transfer shall be made without the written approval of the secretary of administration and finance.

SECTION 23. Said chapter 142 is hereby further amended by striking out section 94 and inserting in place thereof the following section:-

Section 94. There shall be established and set up on the books of the commonwealth a Substance Abuse Services Fund. The commissioner of public health shall serve as the fund's trustee. Funds in the fund shall be used to expand inpatient treatment facilities and ongoing case management for individuals civilly committed under section 35 of chapter 123 of the General Laws. Prior the end of fiscal year 2012, the comptroller shall transfer \$10,000,000 from the General Fund to the Substance Abuse Services Fund. Upon the submission of a spending plan for this fund to the secretary of administration and finance, the house and senate committees on ways and means and the clerks of the house and senate, the commissioner may make expenditures from the fund for the purpose of expanding inpatient treatment facilities and ongoing case management. In developing the spending plan, the commissioner shall hold at least 1 public hearing and shall consult with the commissioner of mental health, the court administrator of the trial court, a representative of the Massachusetts Medical Society, a representative of the Massachusetts Organization for Addiction Recovery and a representative of the Association for Behavioral Healthcare. The commissioner shall submit a draft spending plan to the house and senate committee on ways and means 45 days prior to the submission of the final plan. This fund shall be in effect until June 30, 2013.

SECTION 24. Section 58 of chapter 176 of the acts of 2011, as amended by section 44 of chapter 36 of the acts of 2012, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The commission shall consist of 13 members: 1 of whom shall be the secretary of administration and finance, or the secretary's designee; 1 of whom shall be the treasurer, or the treasurer's designee; 1 of whom shall be the executive director of the group insurance commission, or the director's designee; 3 of whom shall be private citizens, appointed by the governor, 2 of whom shall serve as co-chairs of the commission, provided that 1 shall not be a member of any of the 105 contributory retirement systems; 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; 2 of whom shall be members of the senate, 1 of whom shall be appointed by the minority leader; 1 of whom shall be selected by the governor from a list of 3 candidates submitted by the president of the Massachusetts AFL-CIO; 1 of whom shall be a member of the Massachusetts Municipal Association; and 1 of whom shall be a member of the Retired State, County and Municipal Employees Association of Massachusetts.

SECTION 25. Section 2A of chapter 36 of the acts of 2012 is hereby amended by striking out item number "4100-0062" and inserting in place thereof the following item number:- 4100-0082.

SECTION 26. Section 8 of chapter 106 of the acts of 2012 is hereby amended by adding the following sentence:- Revenues retained in this section shall be available for expenditure until June 30, 2013.

SECTION 27. Said chapter 106 is hereby further amended by striking out section 10 and inserting in place thereof the following section:-

Section 10. Section 8 shall take effect as of July 1, 2011, and shall expire on August 1, 2012.

SECTION 28. Item 1599-2013 in section 2C.I of chapter 118 of the acts of 2012 is hereby amended by striking out the figure “617,000” and inserting in place thereof the following figure:- \$1,747,000.

SECTION 29. Item 1595-1067 of section 2E of said chapter 118 is hereby amended by striking out the words “and provided further, that the secretary of health and human services shall make payments of up to \$44,853,333 from the Delivery System Transformation Initiatives Fund to the Cambridge Public Health Commission for fiscal year 2012 only after the Cambridge Public Health Commission transfers up to \$22,426,667 of its funds to the Delivery System Transformation Initiatives Trust Fund using a federally permissible source of funds which shall fully satisfy the nonfederal share of such payment” and inserting in place thereof the following words:- provided further, that the secretary of health and human services shall make payments of up to \$44,853,333 from the Delivery System Transformation Initiatives Fund to the Cambridge Public Health Commission for fiscal year 2012 only after the Cambridge Public Health Commission transfers up to \$22,426,667 of its funds to the Delivery System Transformation Initiatives Trust Fund using a federally permissible source of funds which shall fully satisfy the nonfederal share of such payment; and provided further, that upon certification from the secretary of administration and finance the comptroller shall credit up to \$11,213,334 in

transfers made by the Cambridge Public Health Commission received after June 30, 2012,
toward fiscal year 2012 revenue receipts.

SECTION 30. Item 0321-1510 of section 2 of chapter 139 of the acts of 2012 is hereby amended
by adding the following words:- ; and provided further, that no funds shall be expended from this
item for services rendered in fiscal year 2012 until all funds are depleted from items 0321-1500
and 0321-1510 of section 2 of chapter 68 of the acts of 2011.

SECTION 31. Item 1599-0026 of said section 2 of said chapter 139 is hereby amended by
adding the following words:- ; provided further, that funds from this item may be expended to
reimburse municipalities for tuition and transportation costs under section 7C of chapter 74 of
the General Laws; and provided further, that any reimbursements for tuition under the preceding
proviso shall be in addition to allowable federal grants used to cover reimbursement costs and
approved by the department of elementary and secondary education for expenditure in fiscal year
2013.

SECTION 32. Item 2200-0100 of said section 2 of said chapter 139 is hereby amended by
adding the following words:- ; provided further, no later than September 1, 2012 the department
shall file a report with the clerks of the house of representatives and senate relative to water
quality at all beaches under the care and control of the department of conservation and
recreation; and provided further, said report shall include, but not be limited to, an assessment of
water quality at all department of conservation and recreation beaches, actions to be taken by the

department to improve water quality levels and recommendations for actions to be undertaken by federal, state, local authorities as may be required to improve water quality at said beaches.

SECTION 33. Item 2800-0700 of said section 2 of said chapter 139 is hereby amended by adding the following words:- ; provided further, that not less than \$350,000 shall be expended for repairs to the Upper Bondsville Dam in the town of Belchertown; and provided further, that not less than \$750,000 shall be expended for repairs to the Town Brook Dam in the town of Plymouth.

SECTION 34. Item 4000-0300 of said section 2 of said chapter 139 is hereby amended by adding the following words:- ; and provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient services at pediatric specialty units as defined in section 1 of chapter 118G of the General Laws, the executive office shall make a supplemental payment, if necessary, sufficient to assure that inpatient SPAD and outlier payments for discharges with a case mix acuity equal to or greater than 5 shall be at least equal to 85 per cent of the expenses incurred in providing services to those children

SECTION 35. Item 4100-0082 of section 2 of said chapter 139 is hereby amended by striking out, in both instances, the figure “\$2,000,000” and inserting in place thereof, in each instance, the following figure:- \$6,000,000.

SECTION 36. Item 4110-3010 of said section 2 of said chapter 139 is hereby amended by striking out the figure “45,000” and inserting in place thereof the following figure:- 345,000.

SECTION 37. Item 4590-1507 of said section 2 of said chapter 139 is hereby amended by striking out the words ‘and provided further, that the department of public health shall award not less than \$800,000 each to the Massachusetts Alliance of Boys and Girls Clubs and the Alliance of Massachusetts YMCAs, which shall be distributed equally between the respective recipients’ member organizations’ and inserting in place thereof the following words:- provided further, that the department of public health shall award not less than \$800,000 to the Massachusetts Alliance of Boys and Girls Clubs and \$725,000 to the Alliance of Massachusetts YMCAs, which shall be distributed equally between the respective recipients’ member organizations; and provided further, that not less than \$75,000 shall be awarded to the Alliance of Massachusetts YMCAs for the alliance to support the expansion of existing YMCAs to communities not currently served by a YMCA.

SECTION 38. Item 7066-0111 of said section 2 of said chapter 139 is hereby amended by striking out the words “to be selected by the special commission on higher education financing”.

SECTION 39. Item 1595-1068 of section 2E of said chapter 139 is hereby amended by striking out the figure “\$394,025,000” and inserting in place thereof the following figure:- \$566,306,556.

SECTION 40. Item 1595-6368 of section 2E of said chapter 139 is hereby amended by inserting after the words “amount transferred in fiscal year 2012;” the following words:- provided further, that \$100,000 be expended for the purpose of providing administrative assistance to the Massachusetts Port Authority Community Advisory Committee;.

SECTION 41. Said chapter 139 is hereby further amended by striking out section 154 and inserting in place thereof the following section:-

Section 154. (a) Notwithstanding any general or special law to the contrary, the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2012 in the following order of precedence: (i) make available to be used as revenue for fiscal year 2013 an amount equal to .5 per cent of the total revenue from taxes in fiscal year 2012; (ii) transfer \$15,000,000 to the Massachusetts Life Sciences Investment Fund established by section 6 of chapter 23I of the General Laws; (iii) transfer \$20,000,000 to the Health Care Workforce Transformation Trust Fund established in section 2FFFF of chapter 29 of the General Laws; (iv) distribute not more than \$2,703,119 to the New Bedford public school district to account for the district’s actual low-income enrollment, as defined by section 2 of chapter 70 of the General Laws, which amount shall be included in the district’s fiscal year 2013 chapter 70 aid and shall be considered base aid for the purpose of calculating fiscal year 2014 chapter 70 aid; provided, that said amount shall be certified by the department of elementary and secondary education prior to final transfer; (v) make available \$40,000,000 to be used as revenue in fiscal year 2013; and (vi) transfer any remaining amount of the consolidated net surplus to the Stabilization Fund;

provided, however, that all funds transferred under clauses (i) to (v), inclusive shall be made available in the General Fund in fiscal year 2013.

(b) To the extent that balances in the General Fund are insufficient to carry out the transfers under subsection (a), the transfers shall be made from the other budgetary funds proportionally from those undesignated fund balances, but no such transfer shall cause a deficit in any of those funds; provided, however, that prior to certifying the consolidated net surplus, the comptroller shall, to the extent possible, eliminate deficits in any fund contributing to the surplus by transferring positive fund balances from any other fund contributing to the surplus.

SECTION 42. Section 156 of said chapter 139 is hereby amended by striking out the words “with a net value over \$1,000,000” and inserting in place thereof the following words:- that would otherwise be deposited in the Commonwealth Stabilization Fund under the last paragraph of section 2H of chapter 29 of the General Laws.

SECTION 43. Section 161 of chapter 139 of the Acts of 2012 is hereby repealed.

SECTION 44. Section 188 of said chapter 139 is hereby amended by striking out the words ‘2011 amendments’ and inserting in place thereof the following words:- 2011 and 2012 amendments.

SECTION 45. Section 189 of said chapter 139 is hereby amended by striking out the words ‘2011 amendments’ and inserting in place thereof the following words:- 2011 and 2012 amendments.

518 SECTION 46. Said section 189 of said chapter 139 is hereby further amended by striking out
519 clause (gg) and inserting in place thereof the following clause:-

520 (gg) between the commonwealth and AFSCME Local 653, for the Essex North/South registry of
521 deeds;.

522 SECTION 47. Said section 189 of said chapter 139 is hereby further amended by adding the
523 following 3 clauses:-

524 (kk) between the commonwealth and AFSCME Local 414, for the Middlesex South registry of
525 deeds;

526 (ll) between the commonwealth and SEIU Local 888, for the Suffolk registry of deeds; and

527 (mm) between the commonwealth and SEIU Local 888, for the Worcester North registry of
528 deeds.

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530 SECTION 48. Section 218 of said chapter 139 is hereby amended by striking out the words “57
531 to 71” and inserting in place thereof the following words:- 69 to 83.

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533 SECTION 49. Section 224 of said chapter 139 is hereby amended by striking out the words
534 “Section 96” and inserting in place thereof the following words:- Sections 96 and 97.

535

SECTION 50. Notwithstanding any general or special law to the contrary, at the request of the committee for public counsel services and with the written approval of the secretary of administration and finance, the comptroller shall allow the transfer of funds from item 0321-1500 to item 0321-1510 of section 2 of chapter 68 of the acts of 2011 for the purpose of reducing any deficiency in said item 0321-1510. All such transfers, in aggregate, shall not exceed \$5,000,000 and shall be effective for fiscal year 2012. All funds from both of these items shall be depleted before any funds are expended from items 0321-1500 and 0321-1510 of section 2 of chapter 139 of the acts of 2012 for services rendered in fiscal year 2012.

SECTION 51. (a) Notwithstanding section 3 of chapter 53 of the General Laws or any other special or general law to the contrary, a person whose name is not printed on the September 6, 2012, state primary ballot as a candidate for an office, but who receives sufficient votes to nominate him therefore, shall file in the office of the state secretary a written acceptance of said nomination and a receipt from the state ethics commission verifying the fact that a statement of financial interest has been filed under chapter 268B of the General Laws no later than 5:00 pm on September 10, 2012.

(b) Notwithstanding section 11, 13 and 53A of chapter 53 and section 5 of chapter 55B of the General Laws or any other special or general law to the contrary, objections to and withdrawals from nominations made at the September 6, 2012, state primary shall be filed with the state secretary no later than 5:00 P.M. on September 10, 2012.

(c) Notwithstanding section 14 of chapter 53 of the General Laws or any other special or general law to the contrary, any vacancies from the September 6, 2012, state primary caused by death,

withdrawal or ineligibility in accordance with this section, shall be filed by an executive committee, determined by the state party committee, of the same political party who made the original nomination.

(d) Notwithstanding section 15 of chapter 53 of the General Laws or any other general or special law to the contrary, when a nomination is made to fill a vacancy caused by the death, withdrawal or ineligibility of a candidate from the September 6, 2012, state primary, the certificate of nomination shall be on a form prescribed by the state secretary, shall be signed by the executive committee appointed by the state committee of the same political party as provided for in this section, and shall be filed with the state secretary no later than 5:00 P.M. on September 12, 2012.

(e) Notwithstanding section 135 of chapter 54 of the General Laws, or any other general or special law to the contrary, a petition for a recount of the September 6, 2012, state primary shall be filed with the appropriate local election official no later than 5:00 P.M. on September 10, 2012, and all recounts must be completed and notice of the results sent to the state secretary no later than 5:00 P.M. on September 13, 2012. Petitions for district wide and statewide recounts of the September 6, 2012, state primary shall be submitted to the appropriate local election officials for certification no later than 12:00 P.M. on September 10, 2012, and local election officials must complete certification no later than 5:00 pm on September 11, 2012. If the state secretary determines that the contest is eligible for a statewide or district wide recount, he shall notify the local election officials who must complete such recounts and notify the state secretary of the results of the recount no later than 5:00 P.M. on September 14, 2012.

(f) Notwithstanding sections 8, 9 and 10, inclusive, of chapter 55B of the General Laws or any other general or special law to the contrary, the state ballot law commission shall notify

580 candidates of any objections filed to nominations at the September 6, 2012, state primary no later
581 than 5:00 P.M. on September 11, 2012, and a hearing on objections shall be held on September
582 13, 2012, and decisions rendered no later than 5:00 P.M. on September 14, 2012.

583 (g) Notwithstanding any general or special law to the contrary, the state secretary shall have the
584 authority to add or change any dates relating to the nominations made at the September 6, 2012,
585 state primary he deems necessary for the orderly administration of the November 6, 2012,
586 election by providing notice of such change to the state parties and any affected person, by filing
587 notice with the rule and regulations division, by posting on his website and by whatever other
588 means he deems appropriate.

589
590 SECTION 52. A person who was not required to be licensed pursuant to section 84 of chapter
591 146 of the General Laws and who shall submit satisfactory proof to the bureau of pipefitters,
592 refrigeration technicians and sprinkler fitters that such person has been actively engaged in the
593 pipefitting industry for a period of 4 years prior to the effective date of this act and who has
594 applied for a license within 1 year after the effective date of this act, shall not be required to pass
595 a written, oral or practical examination and shall be issued a master pipefitter's license upon
596 payment of the applicable fee.

597 A person who was not required to be licensed pursuant to said section 84 of said chapter 146 and
598 who shall submit satisfactory proof to the bureau of pipefitters, refrigeration technicians and
599 sprinkler fitters that such person has been actively engaged in the pipefitting industry for a period
600 of 3 years prior to the effective date of this act, shall not be required to pass a written, oral or
601 practical examination and shall be issued a journeyman's pipefitter's license upon payment of the

applicable fee; provided, however, that for the purposes of this section, completion of an
apprentice training program by any such persons shall not be required.

Any proof required to be submitted under this section shall be accompanied by a statement that
such information has been submitted under the pains and penalties of perjury.

SECTION 53. The department of public safety shall file a report with the secretary of
administration and finance and the house and senate committees on ways and means containing
funding recommendations necessary to enforce pipefitting licensing and inspection of work
undertaken by licensed pipefitters under sections 81 to 89, inclusive, of chapter 146 of the
General Laws. The department shall file the report not later than February 1, 2013.

SECTION 54. The salary adjustments and other cost items authorized by the 2011 and 2012
amendments to the following collective bargaining agreements, for the period from July 1, 2011
to June 30, 2014, inclusive, shall be effective for the purposes of section 7 of chapter 150E of the
General Laws; provided, however, that the costs associated with these agreements may be
funded from item 1599-4444 of section 2 of chapter 139 of the acts of 2012:

(a) between the Middlesex sheriff and the Superior Officers Association (Unit SM4);

(b) between the Norfolk sheriff and the National Association of Government Employees, Local
296 (SN3);

(c) between the Norfolk Sheriff and the Norfolk Superior Officers, Local 295 (Unit SN2);

(d) between the University of Massachusetts and the International Brotherhood of Police
Officers, Local 432 (A&B Units) for the Amherst campus; and

(e) between the University of Massachusetts and the International Association of University Police Officers (Unit L94), for the Lowell campus.

SECTION 55. The salary adjustments and other cost items authorized by the 2011 and 2012 amendments to the following collective bargaining agreements, for the period from July 1, 2011 to June 30, 2014, inclusive, shall be effective for the purposes of section 7 of chapter 150E of the General Laws:

(a) between the trial court and the National Association of Government Employees/Service employees International Union Local 5000 (Units J2C and J2P); and

(b) between the trial court and the OPEIU Local 6 (Units J6C and J6P).

SECTION 56. Section 11 shall apply to requests for refund or applications for abatement filed with the commissioner of revenue on or after July 1, 2011; but it shall not apply with respect to tax periods where the statute of limitations for refund or abatement, as applicable, had expired before July 1, 2011.

SECTION 57. Chapter 199 of the Acts of 2010 is hereby amended by striking, in Section 3, the following sentence: "Within 2 years of the effective date of this act, the department shall file a report of its activities and the developed recommendations with the governor and the clerks of the senate and house of representatives who shall forward the same to the house and senate committees on ways and means and other committees as appropriate.", and inserting in place thereof the following sentence:

“The department shall file a final report not later than July 31, 2014 of its activities and the developed recommendations with the governor and the clerks of the house and senate who shall forward the same to the house and senate committees on ways and means and other committees as appropriate, provided, however, that the department shall file in the same manner an interim report not later than July 31, 2013 indicating the progress made toward completing the final report, the adequacy of data and information collected at that point and whether or not additional data must be collected to complete the report, particularly with regard to weather conditions and other factors, the time necessary to complete the final report, and any other factors which may negatively impact the completion of the final report in a timely and effective manner.”

SECTION 58. Item 2840-7014 of section 2A of chapter 312 of the acts of 2008 is hereby amended by striking out the words “provided further, that not less than \$5,659,000 shall be expended for construction of a permanent ice skating rink in Jamaica Plain;” and inserting in place thereof the following words:- provided further, that not less than \$5,659,000 shall be expended for construction of a permanent ice skating rink and recreation center in the Jackson Square section of Roxbury and Jamaica Plain in the city of Boston; provided further that these funds shall be provided to the developer designated by the city of Boston through the selection process initiated in July 2004 and following approval of the project through the city of Boston’s Article 80 process, which approval was granted on June 16, 2011 and documented in the approved memorandum to the Boston Redevelopment Authority of the same date, and the same amount shall be expended for the same purpose in the Town of Norwood;

SECTION 59. Notwithstanding any general or special law to the contrary, or the availability of federal financial participation for the expenditure, the executive office of health and human services shall not deem ineligible any hospital licensed health center for consideration for any

665 funds or grants to serve MassHealth recipients as long as the hospital licensed health center is
666 otherwise qualified, if the hospital is not eligible to receive such funds or grants; provided
667 however, that the executive office shall not award any funds or grants to any hospital licensed
668 health center if such award would result in the loss of federal financial participation for any other
669 MassHealth initiative.

670 SECTION 60. Sections 3, 7, 8, 9 and 10 shall take effect on January 1, 2013.

671 SECTION 61. Section 4A shall take effect June 30, 2013.